UNITED STATES PATENT AND TRADEMARK OFFICE

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10/671,595	09/29/2003	Atsushi Sakurai	1341.1162	8549

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2008*.

2a)☒ This action is **FINAL**.　　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-7* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Final office action is in response to Applicant's amendment filed December

19, 2008. Claims 1, 3 and 5-7 have been amended, while claim 4 has been

canceled. Claims 1-3 and 5-7 are pending.

2.   The previously pending rejections to claims 5 and 6 under 35 USC § 101 have

been withdrawn.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 1-3 and 5-7 rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention.

Amended claims 1-3 include "wherein when switching from the supply- demand

planning per order to the supply-demand planning based on total amount of orders,

the supply-demand planning based on total amount of orders is initiated after the

total amount of orders is accumulated from lower-level bases in the supply chain,

and is <u>performed so that a stock does not drop below a safety stock, and when</u>

<u>switching from the supply-demand planning based on total amount of orders to the</u>

<u>supply-demand planning per order, the supply-demand planning per order may be</u>

<u>started as needed</u>" (emphasis added), which does not seem to be supported by the

specification, as originally filed.

Amended claims 5-7 include "making the supply-demand planning so that a stock

does not drop below a safety stock when the manufacturing-driven planning is

selected," which does not seem to be supported by the specification, as originally

filed.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

6.   Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

In order for a method to be considered a "process" under §101, a claimed

process must either: (1) be tied to a particular machine or apparatus or (2)

transforms a particular article to a different state or thing. *In re Bilski*, 545 F.3d 943,

88 USPQ2d 1385 (Fed. Cir. 2008). If neither of these requirements is met by the

claim, the method is not a patent eligible process under §101 and is non-statutory

subject matter.

With respect to independent claim 3 the claim language recites the steps of

performing selectively one of a supply-demand planning per order and a supply-

demand planning, however the claim language does not include the required tie or

transformation.

Claim Rejections - 35 USC § 102

7.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

8.   Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by

Jenkins et al (US 2002/0188499).

As per claim 1, Jenkins et al disclose a computer program for realizing supply-

demand planning in a supply chain (i.e., fulfillment system 100 allowing users to

match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013),

the computer program making a computer execute: performing selectively one of a

supply-demand planning per order (i.e., the planning component 210 generates

planned orders to cover any demand that occurs within the period, aggregated and

met with a single planned order, i.e., inventory aggregation, ¶ 0048) and a supply-

demand planning based on total amount of orders (i.e., alternatively, the planning

component 210 generates planned orders to cover demand that occurs within the

period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048),

depending upon switching information stored in correspondence to a base and an

item in a table (i.e., depending on the source data, as seen in the source column,

table 2, the system uses one of two styles of aggregation forecast or inventory, ¶¶

0083-84), wherein the switching information is one of two distinct values

corresponding to the supply-demand planning per order (i.e., inventory aggregation),

and the supply-demand planning based on total amount of orders (i.e., forecast

aggregation), respectively (i.e., depending on the data, i.e., value, in a column the

system uses one of two styles of aggregation, forecast or inventory, wherein forecast

aggregation is used in situations where data represents information at a particular

point in time, such as demand or planned orders, and wherein inventory aggregation

is used where the data represents information at the beginning or ending of each

time period, ¶¶ 0084-0086), wherein when switching from the supply- demand

planning per order to the supply-demand planning based on total amount of orders,

the supply-demand planning based on total amount of orders is initiated after the

total amount of orders is accumulated from lower-level bases in the supply chain

(i.e., the planning component generates planned orders to cover demand that occurs

within the period, aggregating demand as necessary, ¶ 0048), and is performed so

that a stock does not drop below a safety stock (i.e., calculation of safety stock

based on user requirements, ¶¶ 0059-61), and when switching from the supply-

demand planning based on total amount of orders to the supply-demand planning

per order, the supply-demand planning per order may be started as needed (i.e., the

planning component generates planned replenishment at a first point in time based

upon projected availability, ¶ 0049).

As per claim 2, Jenkins et al disclose calculating and accumulating all amounts of orders for the item to obtain the total amount of orders (i.e., planning component 210 processes all demand for a SKU, ¶ 0039).

As per claim 3, Jenkins et al disclose a method of supply-demand planning in a supply chain (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013), the method comprising performing selectively, one of a supply-demand planning per order (i.e., the planning component 210 generates planned orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, ¶ 0048) and a supply-demand planning based on total amount of orders (i.e., alternatively, the planning component 210 generates planned orders to cover demand that occurs within the period, aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048), depending upon the-switching information stored in correspondence to a base and an item (i.e., depending on the source data, as seen in the source column, table 2, the system uses one of two styles of aggregation forecast or inventory, ¶¶ 0083-84), wherein the switching information is one of two distinct values corresponding to the supply-demand planning per order (i.e., inventory aggregation), and the supply-demand planning based on total amount of orders (i.e., forecast aggregation), respectively (i.e., depending on the data, i.e., value, in a column the system uses one of two styles of aggregation, forecast or inventory, wherein forecast aggregation is used in situations where data represents information at a particular point in time, such as demand or planned orders, and

wherein inventory aggregation is used where the data represents information at the beginning or ending of each time period, ¶¶ 0084-0086), wherein when switching from the supply- demand planning per order to the supply-demand planning based on total amount of orders, the supply-demand planning based on total amount of orders is initiated after the total amount of orders is accumulated from lower-level bases in the supply chain (i.e., the planning component generates planned orders to cover demand that occurs within the period, aggregating demand as necessary, ¶ 0048), and is performed so that a stock does not drop below a safety stock (i.e., calculation of safety stock based on user requirements, ¶¶ 0059-61), and when switching from the supply-demand planning based on total amount of orders to the supply-demand planning per order, the supply-demand planning per order may be started as needed (i.e., the planning component generates planned replenishment at a first point in time based upon projected availability, ¶ 0049).

As per claim 5, Jenkins et al disclose a computer program for making supply-demand planning for each base (i.e., destination and/or source, ¶ 0039) in a supply chain (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013) in which a plurality of bases are cascaded (i.e., higher level SKUs consisting of a plurality of source SKUs, ¶ 0039), the computer program making a computer to execute: processing a procurement-driven planning in which the supply-demand planning is made for a plurality of bases associated with an order unit (i.e., planning component 210 processes all demand for a SKU, including higher level SKUs that have a plurality of sources, ¶ 0039);

processing a manufacturing-driven planning in which the supply-demand planning is

made based on a total amount of orders for a specific base (i.e., the planning

component adjusts scheduling based upon total shipments for a source, ¶¶ 0044-

45); and making the supply-demand planning for the whole supply chain by

selectively (i.e., depending on data, the system uses one of two styles of

aggregation forecast or inventory, ¶¶ 0083-84) using one of the procurement-driven

planning (i.e., the planning component 210 generates planned orders to cover any

demand that occurs within the period, aggregated and met with a single planned

order, i.e., inventory aggregation, ¶ 0048) and the manufacturing-driven planning

(i.e., alternatively, the planning component 210 generates planned orders to cover

demand that occurs within the period, aggregating demand as necessary, i.e.,

forecast aggregation, ¶ 0048) based on switching information that is stored with a

combination of a base and an item (i.e., level of each SKU and planned

arrivals/orders, ¶ 0039), wherein the switching information is one of two distinct

values corresponding to the procurement-driven planning (i.e., inventory

aggregation), and the manufacturing-driven planning (i.e., forecast aggregation),

respectively (i.e., depending on the data, i.e., value, in a column the system uses

one of two styles of aggregation, forecast or inventory, wherein forecast aggregation

is used in situations where data represents information at a particular point in time,

such as demand or planned orders, and wherein inventory aggregation is used

where the data represents information at the beginning or ending of each time

period, ¶¶ 0084-0086), and wherein the making includes making the supply-demand

planning so that a stock does not drop below a safety stock when the manufacturing-driven planning is selected (i.e., calculation of safety stock based on user requirements, ¶¶ 0059-61).

As per claim 6, Jenkins et al disclose a supply-demand planning system (i.e., fulfillment system 100 allowing users to match flow of supply to demand by creating an optimal inventory strategy, ¶ 0013) comprising: a database storing data for orders (i.e., database 600, ¶ 0019, and sourcing table in database 600, wherein planning component 210 determines a level for each SKU, including destinations and sources that replenish the SKU, ¶ 0039), each order being directed to an item and an entity storing or producing the item within a supply chain, and including switching information having a first value for a procurement-driven supply-demand planning (i.e., inventory aggregation, wherein inventory aggregation is used where the data represents information at the beginning or ending of each time period, ¶¶ 0084-0086) and a second value for a manufacturing-driven supply-demand planning (i.e., forecast aggregation, wherein forecast aggregation is used in situations where data represents information at a particular point in time, such as demand or planned orders, ¶¶ 0084-86); and a planning unit that generates a supply-demand plan according to one of the procurement-driven supply-demand planning (i.e., the planning component 210 generates planned orders to cover any demand that occurs within the period, aggregated and met with a single planned order, i.e., inventory aggregation, ¶ 0048) and the manufacturing-driven supply-demand planning depending on the switching information (i.e., alternatively, the planning component

210 generates planned orders to cover demand that occurs within the period,

aggregating demand as necessary, i.e., forecast aggregation, ¶ 0048), based on the

data, wherein the planning unit generates the supply-demand planning so that a

stock does not drop below a safety stock when the planning unit generates the

supply-demand plan according to the manufacturing-driven supply-demand planning

(i.e., calculation of safety stock based on user requirements, ¶¶ 0059-61).

As per claim 7, Jenkins et al disclose a procurement-driven engine and a

management-driven engine controlled by the planning unit to make the supply-

demand plan (i.e., distribution module 200, ¶ 0027).

Response to Arguments

9.   In the Remarks, Applicant argues that amended claims 1, 3, 5 and 6 are

patentably distinguishable over Jenkins et al. The Examiner respectfully disagrees

with Applicant's conclusory assertions, and submits that Jenkins et al indeed

disclose Applicant's amended claim language, as seen in the above rejections.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andre Boyce whose telephone number is (571)272-

6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

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assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

/Andre Boyce/
Primary Examiner, Art Unit 3623
March 23, 2009